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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER	
RIDER, JUSTIN W	

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/753,846	DEB ET AL.	
	Examiner	Art Unit	
	Justin W. Rider	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1 sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. In response to the Office Action mailed 09 May 2007, applicant submitted a response filed 18 September 2007, in which the applicant amended claims 1-2, 9-13, 15-16 and 18 without adding new matter. Applicant cancelled Claim 17. Further, the examiner thanks applicant for addressing objections, 35 U.S.C. § 112 rejections and 35 U.S.C. § 101 rejections. Subsequently, the examiner withdraws all previous rejections and objections pertaining to these issues.

Response to Arguments

2. Applicant's arguments filed 18 September 2007 have been fully considered but they are not persuasive. After revisiting the W3C document, the examiner specifically points to section 4.11 for disclosing how metadata as disclosed in **W3C** is explicitly the same as what applicant's invention claims. As the examiner interprets this document, metadata consists of *standardized* properties (e.g. state information) that exist within incoming pieces of data (e.g. documents, messages, etc). This information is a standard implemented by the industry to be accessible across a plurality of platforms as well as across multiple 'chunks' of data contained within a single meta session. This is a convenient way for authors of this data to maintain a 'standard' across many platforms to abide by. This further allows for proper identification of content through a meta session in which the metadata is uniform across all platforms, meta sessions, tokens and the like. So therefore, this feature is inherent within the scope of **W3C**.

Applicant also asserts that the meta session as claimed enables the tracking or associating of previous transactions regardless of user logon or logoff. However, while the examiner does not refute this capability being available within the scope of meta sessions, this is not an inherent

feature and so therefore must be contained within the claim language for it to be given patentable weight. The ability for the meta sessions as taught in **W3C** to be standardized or persistent across a plurality of message transactions is sufficiently disclosed so as to be in line with the claimed subject matter.

Further, even if **W3C** failed to disclose a uniform set of properties across a plurality of platforms, there fails to be any support in the claims for specifically maintaining document data, but for merely maintaining a single meta session (e.g. state information) across message transactions.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 4-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Corston-Oliver** in view of **W3C, 'Speech Recognition Grammar Specification Version 1.0', W3C Candidate Recommendation 26 June 2002** referred to as **W3C** hereinafter.

Claim 1: **Corston-Oliver** discloses a method for evaluating contents of a message, comprising:

i. characterizing (determining document structure and other information) a message segment [*variety of parts*] (col. 5, lines 2-3);

ii. scanning the message segment to define tokens associated with the message segment (col. 5, lines 23-24, *'receives message body **214** and breaks it into words (or other tokens).'*);

iii. parsing the tokens to extract substructures (col. 5, lines 25-28, *'and obtains a variety of information associated with each word (or token), such as the meaning, the part-of-speech, etc.'* [emphasis added]);

iv. determining rules associated with the tokens, the rules when executed defining actions (ways to handle tokens based on rules) and executing the actions associated with the message segment (col. 8, lines 22-67, tokens are handled a certain way based on the meanings, part-of-speech, etc.); and

vi. queuing the message segment for transmission to a destination (Fig. 2, **202**; col. 5, lines 60-65, the compressor component **202** performs a compression on the message before outputting it to a target device).

However **Corston-Oliver** fails to, but **W3C** does disclose associating each of the message segments with a meta session through the tokens (p. 41, section 4.11.1: Meta and HTTP-Equiv, *'A meta declaration in either ABNF Form or the XML Form associates a string to declared meta property or declares "http-equiv" content.'*), wherein the meta session is persistent across message transactions [As the examiner interprets this document, metadata consists of *standardized* properties (e.g. state information) that exist within incoming pieces of data (e.g. documents, messages, etc). This information is a standard implemented by the industry to be accessible across a plurality of platforms as well as across multiple 'chunks' of data contained within a single meta session. This is a convenient way for authors of this data to maintain a 'standard' across many platforms to abide by. This further allows for proper identification of content through a meta session in which the metadata is uniform across all platforms, meta sessions, tokens and the like. So therefore, this feature is inherent within the scope of **W3C**.].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **W3C** in the method of **Corston-Oliver** because **W3C** defines the syntax and rules for representing grammars used in recognition of linguistics. The disclosed system using Augmented BNF Form and XML form, which are two well-known grammars used in the art which are flexible, simple and widely implemented.

Claim 2: **Corston-Oliver** discloses a method as per claim 1 above, however failing to, but **W3C** does disclose retrieving meta session state information related to the message segments wherein the meta session state information is invariant across different connections [As the examiner interprets this document, metadata consists of *standardized* properties (e.g. state information) that exist within incoming pieces of data (e.g. documents, messages, etc). This information is a standard implemented by the industry to be accessible across a plurality of platforms as well as across multiple 'chunks' of data contained within a single meta session. This is a convenient way for authors of this data to maintain a 'standard' across many platforms to abide by. This further allows for proper identification of content through a meta session in which the metadata is uniform across all platforms, meta sessions, tokens and the like. So therefore, this feature is inherent within the scope of **W3C**.] (p. 41, section 4.11.1: Meta and HTTP-Equiv, *'A meta declaration in either ABNF Form or the XML Form associates a string to declared meta property or declares "http-equiv" content.'*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **W3C** in the method of **Corston-Oliver** because **W3C** defines the syntax and rules for representing grammars used in recognition of linguistics, using

Augmented BNF Form and XML form, which are two well-known grammars used in the art which are flexible, simple and widely implemented.

Claim 4: **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the method operation of parsing the tokens to extract substructures includes creating a parse tree (col. 5, lines 28-31).

Claims 5 and 6: **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the method operation of determining rules associated with the tokens includes defining an object oriented scheme (col. 2, lines 34-38, *'may be described in the general context of computer-executable instructions, such as program modules...include...objects,'*) to associate the message segment with at least one of the rules and wherein the method operation of defining an object oriented scheme to associate the message segment with at least one of the rules is enabled through grammar based access (under cols. 11-12, pseudo code from a particular object code grammar defines rules, of which are applied to the message segments, further embodied by the token characteristics disclosed in cols. 15-16).

Claim 7: **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the method operation of parsing the tokens to extract substructures includes, searching a list of keywords (col. 5, lines 25-27, *'accesses a morphological data base (such as a dictionary)...*); and inferring semantics of sub-strings between the key words (*...and obtains a variety of information associated with each word (or token), such as the meaning, the part-of-speech, etc...'*).

Claim 8: **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the message is composed of multiple segments (col. 5, lines 2-4,

'includes a variety of parts including a header, a body of text, and, in the case of email, previous messages in the email thread').

Claim 9: **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the substructures span multiple message segments (col. 5, lines 15-19, *'may provide any other natural language body of text to analyzer **206**, other than message body **214**. For example...a subject header, a task description header, a web page, etc.'*).

Claim 10: Claim 10 is similar in scope and content to that of claim 1 above and so therefore is rejected under the same rationale.

Claim 11: Claim 11 is similar in scope and content to that of claim 2 above and so therefore is rejected under the same rationale.

Claim 12: **Corston-Oliver** discloses a method as per claim 1 above, however failing to, but **W3C** does disclose determining a grammar type (style of message, e.g. ABNF Form, XML) of the message (p. 24, Section 2.7: Language).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **W3C** in the method of **Corston-Oliver** because of the reasons outlined above.

Claim 13: Claim 13 is similar in scope and content to that of claim 4 above and so therefore is rejected under the same rationale.

Claim 15: Claim 15 is similar in scope and content to that of claim 7 above and so therefore is rejected under the same rationale.

Claim 16: Claim 16 is similar in scope and content to that of claim 1 above and so therefore is rejected under the same rationale.

Claims 17-18: Claims 17-18 are similar in scope and content to that of claim 2 above and so therefore are rejected under the same rationale.

Claim 19: Claim 19 is similar in scope and content to that of claim 7 above and so therefore is rejected under the same rationale.

Claim 20: Claim 20 is similar in scope and content to that of claim 12 above and so therefore is rejected under the same rationale.

Claim 21: **Corston-Oliver** discloses a network device as per claim 16 above, wherein the circuitry for scanning a message to define tokens associated with the message includes circuitry for building a data structure from the defined tokens (col. 7, lines 52-54).

5. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Corston-Oliver** in view of **Moscola et al., 'Implementation of a Content-Scanning Module for an Internet Firewall'** referred to as **Moscola** hereinafter.

Claim 3: **Corston-Oliver** discloses a method as per claim 3 above, however failing to, but **Moscola** does, specifically disclose wherein, upon analysis of an incoming message, if determined to be suspect, is dealt with (quarantined) according to the rules that govern many Denial of Service (DOS) attacks (1. Introduction).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Moscola** in the method of **Corston-Oliver** because **Moscola** discloses a means for greatly expanding firewall functionality, which allows for a greater reduction of potentially harmful intrusions, by adding regular expression matching within the packet payload.

Claim 14: **Corston-Oliver** discloses a method as per claim 3 above, sending messages in multiple segments, however failing to, but **Moscola** does, specifically disclose wherein messages are sent over a packet-based network (Abstract; Introduction).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Moscola** in the method of **Corston-Oliver** because of the reasons outlined above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

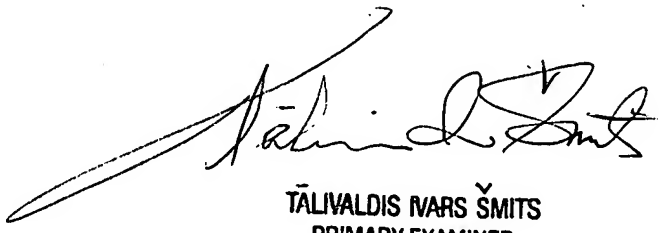
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin W. Rider whose telephone number is (571) 270-1068. The examiner can normally be reached on Monday - Friday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.W.R.
14 November 2007



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER